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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,874	09/12/2001	Irwin Jerold Singer	17037A	8268

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KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,874

Applicant(s)

SINGER ET AL.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-28 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-28 and 30-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for continuing examination (RCE), amendment and accompanying remarks filed on 09/23/04 and 08/23/04 have been entered. Claims 17 and 30 have been amended and claims 29 and 45 have been canceled as requested. Applicant's amendment to claim 17 has been found sufficient to overcome the anticipation rejection of claims 17-20 as set forth in section of the 3 of the Final Office Action. As such, said rejection is hereby withdrawn. However, despite this advance, Applicant's amendments are not found to patently distinguish the claims over the prior art of Drew in view of Midkiff et al., for reasons set forth below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 17-28 and 30-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drew, US 6,186,320 in view of Midkiff et al., US 5,709,735.

With regard to the second web recited in claim 17, Applicant amended said claim to include the limitation of polymer filaments "bonded in a pattern having continuous bonded areas defining a plurality of discrete unbonded areas". Applicant further argues a lack of motivation to combine the references of Drew, US 6,186,320 and Midkiff et al., US 5,709,735 to form the obviousness type rejection above. Specifically, Applicant asserts that one of ordinary skill in the art would not be motivated to combine the flexible storage sleeve taught by Drew with the high stiffness non-woven material taught by Midkiff et al. This argument is not found persuasive on the grounds that though not

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exemplified, Midkiff et al., teaches employing the non-woven web material in a variety of applications including protective fabrics and towels. As such, it is the position of the Examiner that the stiffness of the non-woven fabric is a function of the desired end use. In the instant case, Midkiff et al., happens to exemplify a high stiffness non-woven filtration material, however, it would be expected that when the non-woven material is employed as towel or a protective fabric the stiffness would vary. In addition the Examiner asserts that the teaching of a flexible storage sleeve by Drew does not necessarily preclude providing a storage sleeve also having good structural integrity. Since Drew does not limit the degree of flexibility, it is the position of the Examiner that employing the spun-bonded polyolefin non-woven web taught by Midkiff et al., which comprises all of the claimed structural and chemical features set forth including the Gurley stiffness property limitation, would not necessarily render the storage sleeve of Drew inflexible. Moreover, the flexible storage sleeve of Drew must have some minimum degree of stiffness or it would lack sufficient structural integrity to function as a storage sleeve.

Recall, the patent issued to Drew teaches a double sided storage sleeve comprising flexible first, third sheet, and a flexible non-woven, non-laminated second sheet positioned between said first and third sheets (Claim 1). The flexible first, third, and second sheet are interconnected together on the bottom edge and two side edges to form two pockets (Claim 1). The flexible non-woven second sheet comprises a spunbonded, continuous polypropylene fiber (Claim 1). The flexible first and third sheets may be comprised of a transparent material such as plastic, vinyl or propylene, or non-woven materials (Column 3, 55-65).

Drew does not specifically teach the limitations set forth in claims, 24-38, however, the patent issued to Midkiff et al., teaches a non-woven web made from conjugate fibers of polyethylene and polypropylene (Abstract). Midkiff et al., teaches that non-woven webs are used in a variety of applications from diapers to protective fabrics (Column 1, 15-18). Specifically, Midkiff et al., teaches spunbond fabrics suitable for use as a filtration material (Column 1, 20-50). Midkiff et al., teaches that the spunbonded polyolefin non-woven fabric has good structural integrity, high permeability and filtration efficiency (Column 1, 35-50). The conjugate polyolefin fibers are spun together to form multi or bicomponent fibers, having a side-by-side or sheath/core configuration (Column 3, 29-45 and Column 6, 66-67). Midkiff et al., teaches various bonding techniques including through-air- bonding (TAB) or thermal point bonding (Column 4, 49-Column 5, 5). With regard to the Gurley stiffness, Midkiff et al., teaches a value above 700 mg

Therefore, motivated by the desire to provide a storage sleeve having sufficient structural integrity it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the double-sided storage sleeve taught by Drew with the spunbonded polyolefin non-woven fabric taught by Midkiff et al.

With regard to the limitation of having continuous bonded areas defining a plurality of discrete unbonded areas, Midkiff et al., teaches using various patterned calendar rolls to produce patterned bonded areas (Column 5, 5-35). Therefore, motivated by the desire to provide a fabric having discrete unbonded and bonded areas, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the double-sided storage sleeve taught by Drew with the patterned spunbonded polyolefin non-woven fabric taught by Midkiff et al.

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With regard to the bulk density limitation recited in claims 17 and 18, the combination of prior art does not disclose the bulk density, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the value of the bulk density as a function of intended final use. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d, 272,205 USPQ 215 (CCPA 1980)

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 29, 2004
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CHERYL A. JUSKA
PRIMARY EXAMINER